

REMARKS

Initially, in the Office Action dated October 4, 2004, the Examiner objects to the specification because it does not contain any software or hardware to implement the limitation, “wherein a newest revision of the accessed server object may be accessed for a second requestor while the performing processing requested continues.” Claims 1-5 have been rejected under 35 U.S.C. §112, first paragraph. Claims 1 and 5 have been objected to because of informalities. Claims 1, 4 and 5 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,074,434 (Cole et al.). Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Cole et al. in view of “Official Notice”. Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Cole et al. and “Official Notice” and in view of U.S. Patent No. 5,608,865 (Midegely et al.).

By the present response, Applicant has amended claims 1, 2, 4 and 5 to further clarify the invention. Claims 1-5 remain pending in the present application.

35 U.S.C. §112 Rejections

The specification and claims 1-5 have been rejected under 35 U.S.C. §112, first paragraph. The Examiner asserts that the present application does not contain subject matter containing any software or hardware to implement the limitation “wherein a newest revision of the accessed server object may be accessed for a second requestor while the performing processing requested continues.” Applicant has amended the claims to further clarify the invention. Specifically, Applicant has amended this limitation to recite “wherein a newest revision of the accessed server

object, if it exists, is accessible in response to a request while the performing processing requested continues.” Applicant submits that these limitations are fully supported in Applicant’s specification at, for example, page 9, line 1 – page 10, line 8, and page 11, lines 2-12. According to the present invention, in response to a request, a newest revision of a service object may be accessed by a client object, and an older version of the server object is stopped as soon as the processes under execution by the older existing service object are completed. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

Claim Objections

Claims 1 and 5 have been objected to because of informalities. Applicant has amended the claims to further clarify the invention and respectfully requests that these objections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1, 4 and 5 have been rejected under 35 U.S.C. §102(e) as being anticipated by Cole et al. Applicant has discussed the deficiencies of Cole et al. in Applicant’s previously-filed response and resubmit all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Applicant submits that Cole et al. does not disclose or suggest the limitations in the combination of each of claims 1, 4 and 5 of, inter alia, selecting and supplying a requestor with server object information of a newest server object of requested server objects based on a change information including a revision information

showing a newness of each of the requested server objects where the selecting and supplying is performed by a management object or a server object information selection unit, accessing a server object indicated in the server object information supply, performing processing requested by the access, or where a newest revision of the accessed server object, if it exists, is accessible in response to a request while the performing processing requested continues. As noted previously, Cole et al. merely discloses a server computer selecting code updates, data updates or new data for a client. In Cole et al., in order to check as to whether or not a client has a version other than the newest version of code updates, a server sends the client recognizer programs. When receiving the execution results of the recognizer programs from the client, the server generates a list of code updates based on the execution results and sends the list to the client. When a user of the client sends, to the server, selected code updates from the list, the server returns addresses of the selected code updates from the client. By using the addresses, the client downloads the selected code updates. Therefore, Cole et al. discloses that in response to selection of the code updates by the user of the client from the list of code updates sent from the server, the server sends addresses of the selected code updates to the client. This is not selecting and supplying a requestor with server object information of a newest server object of requested server objects based on a change information including a revision information showing a newness of each of the requested server objects, where the selecting and supplying is performed by a management object or a server object information selection unit. Cole et al. discloses a server sending

recognizer programs to the client. In contrast, the limitations in the claims of the present application recite a management object supplying a requestor with server object information. The recognizer programs in Cole et al. are not server object information, as recited in the claims of the present application. Further, Cole et al. discloses in response to selection of code updates by the user of the client from the list of code updates sent from the server, the server sending addresses of the selected code updates to the client. In contrast, according to the claims of the present application, the management object or a server object information selection unit selects and supplies the server object information of another server object to the server object.

The Examiner asserts that Cole et al. discloses requesting server object information of server objects to be accessed at col. 3, line 13 – col. 4, line 39, Fig. 6, and col. 6, line 22 – col. 7, line 24. However, these portions of Cole et al. merely disclose details regarding the selection server, content server and client shown in Figs. 1 and 2 and how the server obtains client level information from the client, details on the recognizer program used by the server to get information about the client, and details on the selection made by the client to determine what type of code updates the client desires the server to send. This is not requesting by a client object server object information from a management object of server objects to be accessed, as recited in the claims of the present application. These portions of Cole et al. disclose details related to the server gaining information about a client. This is not a client object requesting server object information. Further, this is not a

client object making a request from a management object of server objects to be accessed.

The Examiner further asserts that Cole et al. discloses selecting and supplying a requestor with server object information of a newest server object based on a change information including a revision information showing a newness of each of the requested server object in various portions of Cole et al. However, as discussed previously, these portions of Cole et al. merely relate to a server providing a client with HTTP address information of selected code updates for the client. This is not supplying a requestor with server object information of a newest server object, as recited in the claims of the present application. These portions of Cole et al. relate to supplying a client with addresses of code updates for the client. Moreover, these portions of Cole et al. do not disclose or suggest anything related to a newest server object or change information including a revision information showing a newness of requested server objects. Further, Cole et al. does not disclose or suggest the selecting and supplying being performed by a management object, as recited in the claims of the present application.

The Examiner further asserts that Cole et al. discloses where a newest revision of the accessed server object is accessible while the performing processing requested continues at col. 6, line 22 – col. 7, line 24. However, as noted previously, these portions of Cole et al. merely disclose details related to the recognizer programs that are sent from a server to a client to get client information regarding code updates. The client then makes a selection of the desired category of code

updates and sends this selection to the server whereby the server responds with the addressing to the client, as mentioned previously, to allow the client to get access to these code updates. These portions of Cole et al. do not disclose or suggest anything related to a newest revision of an access server object being accessible in response to a request while performing processing requested previously continues on an older version of the server object, as recited in the claims of the present application. According to the present invention, a server object may be accessed and appropriate processing performed, a newer version of the accessed server object may then become available and be accessible while still performing processing with the original server object. These limitations are neither disclosed nor suggested by Cole et al.

Accordingly, Applicant submits that Cole et al. does not disclose or suggest the limitations in the combination of each of claims 1, 4 and 5 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Cole et al. in view of Official Notice. Applicant respectfully traverses this rejection and submits that claim 2 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Official Notice does not overcome the substantial defects noted previously regarding Cole et al. For example, Applicant

submits that none of the cited references disclose or suggest in a case where the requestor is a server object to be accessed during the accessing step, selecting and supplying to the requestor the server object information of another server object to be accessed from the server object, in accordance with the change information for the requestor server object.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 2 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this application be allowed.

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Cole et al., Official Notice and in view of Midegely et al. Applicant has discussed the deficiencies of these references in Applicant's previously-filed response and reassert all arguments submitted in that response. Further, Applicant respectfully traverses this rejection and submits that claim 3 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither the Examiner's asserted Official Notice nor Midegely et al. overcome the substantial defects noted previously regarding Cole et al. For example, none of the cited references disclose or suggest where in a case where there are a plurality of server objects having a same server object name or same interface identification information, stopping server objects having old change information including old version information.

Accordingly, Applicant submits that none of the cited references taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 3 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-5 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.40188X00).

Respectfully submitted,

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